MC 2292/2007
BEFORE
HON’BLE JUSTICE AMITAVA ROY

Heard Mr. Bhowmik, learned Counsel for the applicant and Mr. Pathak, learned Counsel for the opposite party.

The recorded facts reveal that an area of land measuring 2 bighas 3 kathas 5 lechas covered by dag No(s). 195, 196 and 289 (part of period patta No. 60-67) belonging to the opposite party was acquired for Bharat Sanchar Nigam Limited (for short BSNL) for construction of MBM Telephone Exchange thereon. In the related Land Acquisition Case No. 22/1991, the Collector, Dibrugarh, passed an award to the tune Rs. 21,16,887/-. This amount has in the meantime been deposited by the applicant and withdrawn by the opposite party as well. Being dissatisfied with the amount of compensation, the opposite party filed a reference application before the District Collector, Dibrugarh, which was registered as Misc. (L.A.) Case No. 153/05. By the judgment and order impugned in the accompanying appeal following enhancement in the value of the land together with interest etc., the awarded amount was quantified at Rs. 1,79,69,270/-. The opposite party in the meantime has initiated Money Execution Case No. 1/2007 for realization of the balance amount. The accompanying appeal has in the meanwhile been admitted.

After hearing the learned Counsels for the parties and on a consideration of the materials on record, I am of the view that it would meet the ends of justice if the operation of the impugned judgment and decree dated 22/8/2006 passed by the learned District Judge, Dibrugarh, in Misc (L.A.) Case No. 153/05 is stayed subject to the applicant depositing a further amount of Rs. 30 lakhs in the Court of the learned District Judge, Dibrugarh. Ordered accordingly.

Mr. Bhowmik prays for six weeks time for the purpose.

Prayer allowed.

Mr. Pathak submits on instructions that the opposite party is ready to furnish Bank Guarantee for the aforementioned amount to facilitate withdrawal thereof.

It is, therefore, ordered that the opposite party would furnish bank guarantee for the above amount from a scheduled bank and if the same is submitted before the learned Court below, it would disburse the same in their favour after proper identification.

Misc. case stands allowed.